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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,089	03/29/2001	Dennis Sunga Fernandez	FERN-P001B	9469
22877	7590	10/13/2005	EXAMINER	
FERNANDEZ & ASSOCIATES LLP			VO, TUNG T	
1047 EL CAMINO REAL			ART UNIT	
SUITE 201			PAPER NUMBER	
MENLO PARK, CA 94025			2613	

DATE MAILED: 10/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,089

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 37-66 is/are pending in the application.
- 4a) Of the above claim(s) 1-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 37-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 37 and 52 filed 08/10/2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 37-38, 42, 44, 52-54, 57, and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by DeLorme et al. (US 5,948,040).

Re claims 37-38, 42, 44, 52-54, 57, and 59, DeLorme discloses a cell phone for communicating with a networked controller comprising:

a wireless communicator (907, 905 of fig. 9A and 9B, *note a wireless-laptop, a mobile-laptop, a notebook computer, a laptop personal computer, a personal digital assistant or PDA, a "smart" cellular phone, or a two-way pager, col. 75, lines 33-45*) for communicating remotely with a networked controller (904 of figs. 9A and 9B, *note TRIPS provider or bureaus*) via a network (903 of fig. 9, *note two way wireless communications*);

a locator (908 of figs. 9A and 9B, *note position sensor unit, e.g., GPS sensor*) for providing a cell-phone location to the networked controller (904 of fig. 9A and 9B) via the wireless communicator (907 of fig. 9) and comprises a global positioning satellite (GPS) receiver (908 of fig. 9A);

a sensor (915 and 972 of fig. 9A, *note for example, as audio output (927), information and offers related to several restaurants "down the road" can be voiced--with the TRIPS user enabled to select or accept by simple "push-button" or voice recognition input 915 indicating "yes" or "no" to get more information on a particular restaurant. to save such restaurant information in the local WCU memory 912, or to make a specific reservation and/or to accept a discount offer communicated from the TRIPS provider 904.*) for providing an image, audio, *or* video signal of a cell-phone user for transmission to the networked controller via the wireless communicator;

a processor (904 of fig. 9A and 9B, note TRIPS service bureau or provider, see also 203 of fig. 2, col. 73, lines 10-17) for accessing a communication module (904 of fig. 9B, 203 of fig. 2, note communicates with PROVIDER INPUT/PUTPUT (231 of fig. 2), in more detail see figure 8, and online services 939 of fig. 9B and fig. 3) for enabling voice *or* video over Internet-Protocol streaming (Wireless Internet) via the wireless communicator (907 of fig. 9A and 9B) and runs simulation of a cellphone user movement or behavior (GPS will determines the movement position of cellphone (907 of fig. 9A and 9B) for updating the current position so that the user is able to view the updated information,

the communication module (904 of fig. 9B and 203 of fig. 2) comprising a user-customizable (input request WHAT, WHEN, WHERE AND HOW) or reconfigurable software program (fig. 4, note flowchart as software programs), firmware (fig. 2) or circuit (203 of fig. 2) accessible locally in the cell-phone or remotely via the network (903, 907 of fig. 9A and 9B), the communication module being partitioning or un-installable as functional component, the voice or video stream being wirelessly communicated by the wireless communicator (907 of fig. 9A and 9B) effectively via a data channel to *a wireless Internet Service Provider* (ONLINE SERVICES, 939 of fig. 9B, 231 of fig. 2, in more detail in figure 8); the wireless communicator (907 of fig. 9A and 9B) communicates within restricted temporal (860 of fig. 8B) or geographic range for transaction, thereby enabling cell-phone transaction only during unrestricted time or location (Date/Time present, 862 of fig. 8B); .

wherein the communication module is provided in layered or hierarchical arrangement (fig. 2). such that a first-level functionality is provided by a database (221 of fig. 2) and object movement module (213 of fig. 2, note "locatable" textual), and a next-level functionality by the

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communicate (209 of fig. 2, 203 of fig. 2, also 904 of fig. 2) and a security module (217 of fig. 2, note confidential user, account user, password, or planned-saved strips).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Hollenberg (US 6,091,956).

Re claim 39, Delorme further teaches recognizing the cell-phone user voice (915 of fig. 9A) but not a camera for recording the image or video signal as claimed.

However, Hollenberg teaches a cellphone (9g of fig. 4) for recording the image or video signal. Therefore, taking the teachings of Delorme and Hollenberg as a whole. It would have been obvious to one of ordinary skill in the art to modify the camera (9g of fig. 4) of Hollenberg into the cellphone system of DeLorme for the purpose of capturing an image of the user so that the remote controller would obviously identify the user or store the user image in database record.

6. Claims 43 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Heikari et al. (US 5,930,723).

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Re claims 43 and 58, Delorme teaches the wireless communicator (907 of figs. 9A and B) communicates to the provider (904 of fig. 9B) but not within a group of cell-phones chatting privately in multi-cast mode using an embedded watermark or digital certificate (name address, ID), thereby securing such group communication electronically as claimed.

However, Heikari teaches a wireless communicator (radiophones, M1, M2 of fig. 6) communicates within a group of cell-phones chatting (fig. 6) in multi-case mode (IDENTIFIER OF CALL GROUP, fig. 5) using an embedded watermark or digital certificate (name, number, or address (col. 6), thereby securing such group communication electrically (note mobile communication systems often include especially private mobile radio systems used by the authorities).

Therefore, taking the teachings of Delorme and Heikari as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the group cellphone chatting of Heikari into the cellphone system of Delorme for the same purpose of communicating between the remote cellphone users.

Doing so would have an advantage of the system is that the users of mobile stations can always dial the same group call number regardless of the combining of the group calls, i.e. dispatching areas so that the user does not have to know which dispatcher or group call request is being used at any given time.

7. Claims 40-41, 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Joao et al. (US 6,047,270).

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Re claims 40-41, and 55-56, Delorme teaches the cell-phone (907 of fig. 9A and 9B) is able to purchase the product/goods/service over the Internet and the processor enables a local advertisement that is pertinent to the cellphone location to be presented to the cellphone user (cols. 73 and 74). It is noted that Delorme does not particularly teach a processor for running a transaction program for metering usage by the cell-phone user as claimed.

However, Joao teaches a processor for running a transaction program for metering usage by the cell-phone user and the wireless communicator communicates within restricted temporal or geographic range for transaction, thereby enabling cell-phone transaction only during unrestricted time or location (col. 69, lines 1-21).

Therefore, taking the teachings of Delorme and Joao as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Joao into the cell-phone system of Delorme to easily keep track of usage of the cell-phone so that the cell-phone transaction would be transmitted during unrestricted time and location.

Doing so would allow the cell-phone user to increase or decrease the respective amount calling areas and usage limits at any time and from any location.

8. Claims 45 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of McGregor et al. (US 6,243,574 B1).

Re claims 45 and 60, Delorme does not particularly teach the wireless communicator receives a media stream or application program from the network controller according subject to a tax rate of the cell phone as claimed.

However, McGregor teaches the wireless communicator receives a media stream or application program from the network controller according subject to a tax rate of the cell phone (12 of fig. 1; col. 13, lines 29-37).

Therefore, taking the teachings of Delorme and McGregor as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of McGregor into the system of Delorme to define tax rate of the cell phone at the particular location.

Doing so would permit the wireless system to exactly and precisely identify the exact geographic location, rate, and tax of a mobile unit when a communication occurs.

9. Claims 46 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Rudrapatna et al. (US 6,052,598).

Re claims 46 and 61, Delorme further teaches the locator (908 of fig. 9A) provide a location based temporally on the cell phone but not by the cell-phone acceleration or signal triangulation thereby enabling the cell-phone location to be provided during wireless-inaccessible down period as claimed.

However, Rudrapotna teaches the predicting the cell-phone location to be provided during wireless-inaccessible down period and measuring the next cell nearby where the cell-phone (col. 2, line 28-40).

Therefore, taking the teachings of Delorme and Rudrapatna as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Rudrapatna into the Delorme for measuring the directions of the cell-phone.

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Doing would allow the base station to easily determine the cell-phone location and estimate the velocity and direction of the cell-phone in which the cell-phone is traveling.

10. Claims 47-48 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Kennedy, III et al. (US 6,301,480).

Re claims 47-48 and 62-63, Delorme further teaches situation information mapped in the context of spatial information, including appropriate to a geographical or other area, which suggests the wireless communicator (figs. 5, 5A-5C) communicates within geographic range of transaction thereby enabling cell phone only during location.

It is noted that Hollenberg does not particularly teach the sensor provides a medical monitoring signal from sensing physically a biological condition of the cell phone user, thereby enabling health-care service according to a health-insurance coverage of the cellophane user; a vehicle diagnostic signal from sensing electronically a mechanical condition of an automobile coupled to the cell-phone, thereby enabling a neural network to diagnose the automobile adaptively as claimed.

However, Kennedy teaches mobile units (12 of fig. 1) may be hand-held or portable devices associated with any mobile items, such as cars, trucks, boats, barges, airplanes, cargo holders, persons, or other items that are movable or mobile; wherein mobile units (12 of fig. 1) may communicate with sensors to provide information on the location or status of mobile unit 12 or its associated mobile item; for example, a global positioning system (GPS) location receiver may be disposed at or near mobile unit (12 of fig. 1) to determine the location of an associated vehicle; wherein mobile unit (12 of fig. 1) may also receive information from alarms, odometers,

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speedometers, engine sensors, accelerometers, temperature gauges, humidity gauges, personal health sensors, or any other suitable sensors that generate information on the status of mobile unit (12 of fig. 1) or its associated mobile item. In view of the above, mobile units (12 of fig. 1) provides a medical monitoring signal from sensing physically a biological condition of the cell phone user, thereby enabling health-care service according to a health-insurance coverage of the cellophane user; a vehicle diagnostic signal from sensing electronically a mechanical condition of an automobile coupled to the cell-phone, thereby enabling a neural network to diagnose the automobile adaptively.

Therefore, taking the combined teachings of Hollenberg and Kennedy as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Kennedy into the system of Hollenberg for the same purpose of communicating between the remote patient and central station fast and more accuracy.

Doing so would provide the advantages of the system include the adaptation of the system to provide mobile units are associated with cars, trucks, boats, barges, airplanes, cargo holders, persons or other mobile items such as ambulance vehicle that desire a selection of services and these services include emergency services, roadside assistance, information services (e.g., directions, news and weather reports, financial quotes, etc.), or other as suggested by Kennedy.

11. Claims 49 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of David et al. (5,441,047).

Re claims 49 and 64, DeLorme does not particularly teach the sensor provides a residential surveillance signal from sensing condition of a person property (health condition) coupled to or nearby the cellphone, thereby enabling remote surveillance of such property (health condition of person) movement or safety as claimed.

However, David teaches the sensor provides a residential surveillance signal from sensing condition of a person property or health condition of a person coupled to or nearby the cellphone, thereby enabling remote surveillance of such property or health condition of a person movement or safety (col. 18, lines 41-47).

Therefore, taking the teachings of Delorme and David as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of David into the cellphone system of Delorme for the same purpose of sensing the condition of property. Doing so would allow the user to take action properly when the property is unsafe.

12. Claims 50 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Uppaluru (US 5,915,001).

Re claims 50 and 65, Delorme teaches enabling the advertisement for local goods or services to be included with the audio/visual signal based upon the cell-phone location (cols. 73-74). It is noted that Delorme does not particularly teach the wireless communicator receives electronically an audio/video signal from the network controller according to an extensible markup language (XML) tag or software agent associated with the audio/visual signal as claimed.

However, Uppaluru teaches wireless communicator receives electronically an audio/video signal from the network controller according to an extensible markup language (XML) tag or software agent associated with the audio/visual signal (103 of fig. 1, e.g. Voice web pages 103 consist of HTML pages that have been extended with Hyper Voice Markup Language (HVML) for easy and effective navigation and access of voice information via a voice activated device such as an ordinary telephone).

Therefore, taking Delorme and Uppaluru as a whole, it would have been obvious to one ordinary skill in the art to incorporate the teachings of Uppaluru into the cell-phone of Delorme to create the extensible markup language (XML) for the advertising message.

Doing so would allow the cell-phone user to view the advertisement before he or she is going to purchase.

13. Claims 51 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme et al. (US 5,948,040) in view of Almeida et al (US 6,356,758).

Re claims 51 and 66, Delorme further teaches that image, audio or video signal is provided in a multi-media simulation program to represent the cellphone user and location. It is note that Hollenberg does not particularly teach or disclose the image, audio or video signal is in three-dimensions, virtual-reality or holo-graphically as claimed.

However, Almeida teaches the image, audio or video signal is provided in a multi-media simulation program to represent the cell-phone user (voice of the user) and location in three-dimensions, virtual-reality or holographically (col. 12, line 65-col. 13, line 5, e.g. means for virtually reconfiguring the configurable parameters and simulating the operational characteristics

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of the cell site based on the reconfiguration, wherein the virtual reconfiguring means includes means for simulating a cross-section of RF propagation at the cell site in a variety of planes using the RF propagation data and at least one of the cell site architectural data and the cell site topographical data) .

Therefore, taking the teachings of Delorme and Almeida as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Almeida into the cellphone system of Delorme for the same purpose of simulating the cell phone user and location.

Doing so would allow the central station to easily determine where the cell-phone user located and the nearly cell site in virtually-reality.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tung Vo
Primary Examiner
Art Unit 2613